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NetChoice

Protecting Free Speech and Free Enterprise Online

New York Senate Bill S6953B

VETO REQUEST

June 17, 2025

The Honorable Kathy Hochul
Governor of New York
New York State Capitol Building
Albany, NY 12224

RE: Veto request for New York Senate Bill S6953B

Dear Governor Hochul:

On behalf of NetChoice, a trade association working to make the Internet safe for free enterprise and free expression, we strongly urge you to **veto Senate Bill S6953B (The "RAISE Act")**. Despite the noble intentions behind this legislation, if enacted the RAISE Act would:

- **contribute to a harmful patchwork of state-level regulations**
- **misplace liability on developers instead of malicious actors**
- **create liability for vague, unpredictable, and ill-defined misuses**
- **stifle American innovation**
- **raise First Amendment concerns because it compels speech.**

At this critical point in AI development, policymakers face a fork in the road. The bipartisan U.S. House of Representatives Task Force on AI last year posted [its comprehensive report](#) calling for a balanced approach to AI governance - one that promotes innovation while putting appropriate guardrails in place. S6953B is the opposite approach – adopting an exacting, yet vague ex-ante regulatory model similar to that found in the European Union (EU), which has proven detrimental to technological advancement and economic growth.

While the goal of ensuring the safe development of artificial intelligence is laudable, this legislation is constructed in a way that would unfortunately undermine its very purpose, harming innovation, economic competitiveness, and the development of solutions to some of our most pressing problems, without effectively improving public safety.

NetChoice urges you to consider the following significant flaws in the bill:

1. **The RAISE Act contributes to a harmful patchwork of state-level regulations for a national issue.** Artificial intelligence is a quintessential instrument of interstate and international commerce. AI models and services operate digitally and at scale across the World Wide Web. Subjecting this technology to a fractured and potentially contradictory web of state laws will create an untenable compliance nightmare. This approach will impede the natural flow of digital commerce and place New York-based companies at a competitive disadvantage.
2. **The RAISE Act misplaces liability on developers instead of malicious actors.** The RAISE Act seeks to hold AI developers liable for the misuse of their technology. This is a fundamental misallocation of responsibility. Like any powerful tool, AI can be used for good or for ill. We do not hold a car manufacturer liable when a driver speeds, nor do we hold a software company liable when a criminal uses a word processor to write a fraudulent letter. Liability for the misuse of a technology should be assigned to those who actively misuse it. Placing this burden on developers for unforeseen, creative misuses by bad actors is unjust and will deter the creation of beneficial technologies.
3. **The RAISE Act creates liability for vague, unpredictable, and undefined misuses.** The bill holds developers responsible for preventing "unreasonable risk," predicting "reasonably foreseeable" misuses of their technology, and developing "reasonable protections" to "appropriately reduce the risk of critical harm." For a general-purpose technology with a virtually infinite number of applications, such standards are perilously ambiguous. Developers cannot possibly foresee every potential misuse of their models. This creates a climate of extreme legal uncertainty, where developers are exposed to massive liability based on the actions of others, which they cannot predict or control. This ambiguity makes the risk of innovation impossibly high.
4. **The RAISE Act establishes an ambiguous compliance regime that will stifle American innovation.** The direct consequence of this legal uncertainty will be a chilling effect on AI research and development in New York. Companies will be forced to divert precious resources from innovation to navigating an exacting and vague regulatory labyrinth. This will delay the adoption of AI that could help solve critical challenges in medicine, climate science, and economic efficiency. Furthermore, as other nations move forward with more pragmatic AI governance, this bill risks ceding American leadership in the most important technology of our time, impacting not just our economy but our national security.
5. **The RAISE Act raises First Amendment concerns because it compels speech about potential "harms" of AI.** The transparency requirements in this bill present similar concerns raised by NetChoice in *NetChoice v. Bonta*, 113 F.4th 1101, 1118 (9th Cir. 2024) (dismissing California's characterization of transparency disclosures as non-speech regulations). The Ninth Circuit observed that by requiring businesses to opine about the potential harms of their websites design and features compels speech. The RAISE Act's requirement for AI companies to describe methods to "reduce the risk of critical harm" creates the same First Amendment problem.

For these reasons, NetChoice strongly believes that S6953B is the wrong approach for New York. It creates immense legal and financial risk for innovators based on ill-defined standards and misplaced liability, which will ultimately harm the state's economy and the nation's technological progress.

NetChoice respectfully urges you to veto this bill and instead encourage a cohesive, clear, and innovation-friendly approach to AI regulation at the federal level.

Sincerely,

Patrick Hedger
Director of Policy

NetChoice is a trade association that works to protect free expression and promote free enterprise online.